

**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**  
**Office of Conservation and Coastal Lands**  
**Honolulu, Hawaii**

**November 16, 2007**

Acceptance Date: March 14, 2007  
Expiration Date: December 9, 2007

**Board of Land and  
Natural Resources  
State of Hawaii  
Honolulu, Hawaii**

**REGARDING:** Time Extension Request for Conservation District Use Application (CDUA) OA-3412 for a Portion of the Kaloi Gulch Drainage Improvements

**APPLICANT:** HASEKO (Ewa), Inc.

**LANDOWNER:** State of Hawaii

**LOCATION:** Oneula Shoreline/Submerged Lands, Ewa, Oahu

**TMK:** Makai of (1) 9-1-011:007 & (1) 9-1-12:025

**USE:** approximately (≈) 21,700 square feet

**SUBZONE:** Resource

**BACKGROUND:**

On March 14, 2007, the Department of Land and Natural Resources (DLNR) accepted Conservation District Use Application (CDUA) OA-3412 for a portion of the Kaloi Gulch drainage improvements. The original 180-day processing deadline ended on September 10, 2007. However at the Board of Land and Natural Resources meeting of July 27, 2007, a request for a Contested Case was made and the Office of Conservation and Coastal Lands (OCCL) later received a petition for a Contested Case on August 2, 2007.

The applicant requested and was granted an extension of 90 days to the statutory 180-day processing period. The new expiration date is December 9, 2007 (**Exhibit 1 & 2**).

On October 24, 2007, the Department received a request from the Applicant's Representative to extend the processing period for 180 days to allow for the Contested Case proceedings (**Exhibit 3**).

**AUTHORITY FOR GRANTING TIME EXTENSIONS:**

The authority for granting time extensions to the CDUA processing period is provided in Section 183C-6(b), HRS, which states that "...when a contested case hearing is required pursuant to Chapter 91, the one-hundred eighty days may be extended an additional ninety days at the request of the applicant. Any request for additional extensions shall be subject to the approval of the Board." The subject request is for a 180-day time extension.

**DISCUSSION:**

Staff believes that all interests are best served by extending the CDUA processing period to allow for the continuance of the Contested Case Hearing.

Staff, therefore, recommends as follows:

**RECOMMENDATION:**

That the Board of Land and Natural Resources approve the applicant's request and extend the processing period for CDUA OA-3412 an additional 180-days, to June 6, 2008 to allow additional time to complete the contested case hearing process.

Respectfully submitted,



K. Tiger Mills, Staff Planner  
Office of Conservation and Coastal Lands

Approved for submittal:



LAURA H. THIELEN, Chairperson  
Board of Land and Natural Resources

# MORIHARA LAU & FONG LLP

A LIMITED LIABILITY LAW PARTNERSHIP

RECEIVED  
OFFICE OF CONSERVATION  
AND COASTAL LANDS

2007 AUG -9 P 12: 27

August 9, 2007

DEPT. OF LAND &  
NATURAL RESOURCES  
STATE OF HAWAII

## Hand Deliver

Mr. Samuel J. Lemmo, Administrator  
Office of Conservation and Coastal Lands  
Department of Land and Natural Resources  
1151 Punchbowl Street, Room 131  
Honolulu, Hawaii 96813  
Attention: Tiger Mills

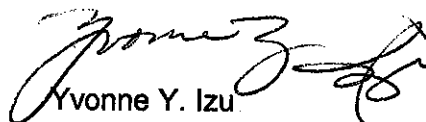
Re: Contested Case OA 08-05: Request for Extension of Time

Dear Mr. Lemmo:

On behalf of our client, HASEKO (Ewa), Inc., we request a 180-day extension for the processing period of HASEKO's Conservation District Use Application OA-3412 for a portion of the Kalo'i Gulch Drainageway Improvements located Makai of One'ula Beach Park, Ewa, O'ahu, Hawai'i, TMK (1) 9-1-012:025 and (1) 9-1-011:007. On August 2, 2007, David Kimo Frankel, attorney for Michael Kumukauoha Lee, filed with your office a Petition for a Contested Case Hearing. The extension of time will allow needed time to process the contested case hearing.

Please feel free to call should you have any questions.

Very truly yours,

  
Yvonne Y. Izu

YYI:gh

cc: Linda L.W. Chow, Esq.  
HASEKO (Ewa), Inc.  
Wilson Okamoto Corporation  
David Kimo Frankel, Esq.

HK-Ocean Pointe\Drainage\CDUP\  
CCH\Extension Request (2007\_08-09)

EXHIBIT |

LINDA LINGLE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

LAURA H. THIELEN  
INTERIM CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

ALLAN A. SMITH  
INTERIM DEPUTY DIRECTOR - LAND

KEN C. KAWAHARA  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

REF:OCCL:TM

CDUA: OA-3412

Contested Case: 08-03

Acceptance Date: March 14, 2007

180-Day Exp. Date: September 10, 2007

**AUG 15 2007**

Yvonne Y. Izu  
Moriyara, Lau & Fong LLP.  
400 Davies Pacific Center  
841 Bishop Street  
Honolulu, Hawaii 96813

Dear Ms. Izu,

**SUBJECT:** Request for an Extension of the Processing Period for Conservation District Use Application (CDUA) OA-3412 For a Portion of the Kaloi Gulch Drainage Way Improvements Located Makai of Oneula Beach Park, Ewa, island of Oahu, TMK:(1) 9-1-012:025 and (1) 9-1-011:007


This letter acknowledges your request for an extension to the processing period for your CDUA to address a petition regarding the Kaloi Gulch Drainage Way Improvements located makai of Oneula Beach Park.

Pursuant to Section 183C-6(b), Hawaii Revised Statutes, the 180-day processing period may be extended an additional 90 days at the request of an applicant when a contested case hearing is requested pursuant to Chapter 91, such as in your case. Any requests for additional extensions shall be subject to the approval of the Board of Land and Natural Resources.

**Therefore, the extended expiration date for the subject CDUA is now December 9, 2007.**

Should you have any questions, please contact Tiger Mills of our Office of Conservation and Coastal Lands Staff at (808) 587-0382.

Sincerely,

  
for Laura H. Thielen, Interim Chairperson  
Board of Land and Natural Resources

**EXHIBIT 2**

# MORIHARA LAU & FONG LLP

A LIMITED LIABILITY LAW PARTNERSHIP

October 24, 2007

RECEIVED

'07 OCT 24 P2:06

DEPT OF LAND  
& NATURAL RESOURCES  
STATE OF HAWAII

## Hand Deliver

Ms. Laura H. Thielen, Chairperson,  
and Members of the Board of  
Land and Natural Resources  
1151 Punchbowl Street  
Honolulu, Hawaii 96813  
Attention: K. Tiger Mills

Re: Request for Extension of Time  
Conservation District Use Application OA-3412  
Contested Case OA 08-05

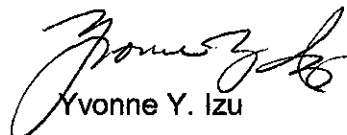
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OFFICE OF CONSERVATION  
AND COASTAL LANDS  
2007 OCT 31 P 5:19  
DEPT OF LAND &  
NATURAL RESOURCES  
STATE OF HAWAII

Dear Chair Thielen and Members of the Board:

On behalf of our client, HASEKO (Ewa), Inc., we request a 180-day extension for the processing period of HASEKO's Conservation District Use Application OA-3412 for a portion of the Kalo'i Gulch Drainageway Improvements located Makai of One'ula Beach Park, Ewa, O'ahu, Hawai'i, TMK (1) 9-1-012:025 and (1) 9-1-011:007, currently set to expire on December 9, 2007. The extension of time will allow Dr. Lawrence H. Miike, recently appointed Hearing Officer, time to process the Petition for a Contested Case Hearing filed by David Kimo Frankel, attorney for Michael Kumukauoha Lee, on August 2, 2007.

Please feel free to call should you have any questions.

Very truly yours,

  
Yvonne Y. Izu

YYI:gh

cc: Linda L.W. Chow, Esq.  
David Kimo Frankel, Esq.  
HASEKO (Ewa), Inc.  
Wilson Okamoto Corporation

EXHIBIT 3